

# MEMORANDUM

August 23, 2007

TO: THE LOS ANGELES COUNTY CLAIMS BOARD

FROM: KESSEL & ASSOCIATES  
Elizabeth M. Kessel

MILLICENT L. ROLON  
Principal Deputy County Counsel  
Law Enforcement Services Division

RE: Christian M. v. County of Los Angeles, et. al.  
U.S. District Court Case No. CV 06-1391-MMM

DATE OF  
INCIDENT: March 6, 2005

AUTHORITY  
REQUESTED: \$85,000.00

COUNTY  
DEPARTMENT: Probation

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## CLAIMS BOARD ACTION:



Approve




Disapprove



Recommend to Board of  
Supervisors for Approval

  
\_\_\_\_\_, Chief Executive Office  
**ROCKY A. ARMFIELD**

  
\_\_\_\_\_, County Counsel  
**JOHN F. KRATTLI**

  
\_\_\_\_\_, Auditor-Controller  
**MARIA M. OMS**

on Sept 6 or 17, 2007

## SUMMARY

This is a recommendation to settle for \$85,000, the lawsuit filed by Christian M., a minor, for injuries he suffered when he was allegedly sexually assaulted by his roommate while they were under the supervision of the Probation Department ("Department") at Eastlake Juvenile Hall.

## LEGAL PRINCIPLES

A public entity that operates detention facilities has a duty to supervise inmates in the facility in a non-negligent manner. In addition, it is a violation of an individual's federal civil rights if the government is deliberately indifferent to his security concerns.

A prevailing plaintiff in a federal civil rights lawsuit is entitled to an award of reasonable attorneys' fees.

## SUMMARY OF FACTS

Fifteen-year-old Christian M. was detained for curfew violations in violation of his probation and admitted to Eastlake Juvenile Hall. He was placed in a room with another fifteen-year-old juvenile of similar height and weight. Security hall checks in that location were conducted at 15-minute intervals by Department staff, which consisted of walking down the hall and checking each room by looking into the room through a glass window on the door.

On March 6, 2005, at approximately 3:30 p.m., Christian M. advised a Detention Services Officer ("DSO") that he had been physically and sexually assaulted by his roommate earlier that day. Christian M. was removed from the unit and sent to the hospital for examination. The other juvenile denied the accusations made by Christian M. Physical findings corroborated the allegations of physical and sexual assault.

## DAMAGES

Should this matter proceed to trial, we estimate the potential damages could be as follows:

Emotional Distress:	\$ 500,000
Attorney's Fees:	<u>\$ 500,000</u>
Total:	<u>\$1,000,000</u>

The settlement calls for the County to pay \$85,000 to Christian M. for all claims for damages, costs and attorneys' fees.

### STATUS OF CASE

The trial is set for September 18, 2007. The trial court proceedings have been suspended pending approval of this recommended settlement.

Expenses incurred by the County in defense of this action are attorneys' fees of \$143,234 and \$22,002 in costs. These fees and costs were incurred as a result of having to prepare and respond to numerous discovery requests, take and attend numerous depositions and fully prepare the case for trial, which included hiring expert witnesses and preparing them for deposition and trial.

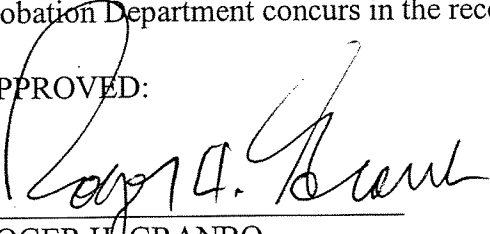
### EVALUATION

This is a case of contested liability. Prior to this incident, the Department was not aware of any prior problems between the two juveniles, and the other juvenile did not have any history of sexual assaults. The Department had not been advised of any prior threats by the other juvenile, and Department staff monitored and supervised the juveniles' room every fifteen minutes.

However, there is a potential for a verdict in excess of the proposed settlement, in light of the sensitive nature of the allegations. A reasonable settlement at this time will forestall a large award from a sympathetic jury and conserve further litigation costs.

Therefore, we join with our private counsel, Elizabeth M. Kessel, Esq., and our third party administrator, Carl Warren & Company, in recommending a settlement of this matter in the amount of \$85,000. The Probation Department concurs in the recommendation.

APPROVED:



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ROGER H. GRANBO  
Assistant County Counsel  
Law Enforcement Services Division

RHG:db